

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 14, 2018
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, November 14, 2018 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting.

Present: Mayor Rick Rosenberg
Council Members: Herb Basso, Jarett Waite, Mary Jo (Tode) Hafen, Ben Shakespeare and Wendell Gubler
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Interim Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Peggy Cole; Pat Zandi; Brooke Seely; Mike Seely; Lance Rigby; Roy Phillips; Sherri Anderson; Cindy Frei; Sandra Mahaffey; Terry Mahaffey; Rob Reid; Charlie Clayton; Ross Lapre; Peggy Lapre

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m. and welcomed those that came and also mentioned that Councilman Basso would be late to the meeting.

2. **Opening Ceremony:**

- Pledge of Allegiance: Tode Hafen
- Opening Comments: Tode Hafen

3. **Communications and Appearances:**

A. General Citizen Communications:

1. - Charlie Clayton asked when the City is going to put the money towards the bathroom at the cemetery that he asked for 3 years ago.
 - Mayor Rosenberg said it is on the budget list and the City is hoping to fund it this year.

4. **Conflicts and Disclosures:**

- Mayor Rosenberg stated that the firm he works for is involved in Items #1, #3 and #5.

5. **Working Agenda:**

A. Public Hearing(s): 5:00 p.m.

1. Public Hearing to receive public input on vacating a 30 ft. sewer line Easement for Ocotillo Springs.

- Corey Bundy, Building Official, stated that this is a request to vacate a portion of a sewer easement located within the Ocotillo Springs housing development which is located south of North Town Road and east of 400 East St. The existing sewer line runs through a portion of the housing project and has been relocated within the public street right of way, which is the preferred location for a public sewer line. The sewer line easement is 30 ft wide and the portion that is being vacated ran through the developments between North Town Road and Hamblin Parkway right of way. Staff recommends approval of the request to vacate the sewer easement as requested by the applicant. The applicant is Lance Rigby. The engineer is Rosenberg Associates.

- Mayor Rosenberg said that this was the easement that was done for the Ivin's line and as part of the development Mr. Rigby has relocated that sewer onto North Town Road and Hamblin Parkway. This is abandoning the old easement, so he can proceed with his final plat.

5:07 p.m. Public Hearing Opened.

There was no comment.

5:07 p.m. Public Hearing Closed.

C. General Business:

1. Consider approval of vacating a 30 ft. sewer line Easement for Ocotillo Springs and approve Ordinance 2018-16. Presented by Bob Nicholson, City Planner.

Motion to Approve vacating a 30 ft. sewer line Easement for Ocotillo Springs and approve Ordinance 2018-16.

Motion by Ben Shakespeare, seconded by Tode Hafen.

Voting Aye: Tode Hafen, Jarett Waite, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

B. Consent Agenda:

1. Approve BMX Operating Lease.
2. Approve Medical Services Agreement with Dr. Robert Foster.

- Mayor Rosenberg asked if the Medical Services Agreement is regarding the ambulance.

- Ed Dickie, City Manager, said no that this is the agreement with Dr. Foster who is the doctor for the Fire Department. The department has changed doctors since they combined with Ivins.

- Randy Hancey, Interim Fire Chief, stated that Dr. Foster is the Fire Department's medical director who they operate under. He is the medical license we work under and

oversees the practice of the emergency medical services in our area. He oversees all the training the approval of the EMT's and the paramedics.

- Mayor Rosenberg asked Matt Ence if he has reviewed the agreements and if everything is okay with them.
- Matt Ence, City Attorney, said he reviewed it and everything looks good.

Motion to Approve the Consent Agenda.

Motion by Jarett Waite, seconded by Ben Shakespeare.

Voting Aye: Tode Hafen, Jarett Waite, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

- The people from BMX asked for a photo with the Mayor and the City Council.
- Mayor Rosenberg said that the BMX track is going to be part of the Canyon View Park Complex. It will be next to the Little League Fields. It is a bicycle motocross track. There will be race events there.
- The BMX people said the track will be open on Mondays and Thursdays. Races and practices will be held every week. The track will be fenced off and not used when there aren't practices or races.

C. General Business:

2. Consider New Sign for Historical Museum. Presented by Sherri Anderson.

- Corey Bundy said that Sherri submitted this sign to the Building Department and it meets the monument sign requirements for the Historical District. It will be modeled after the sign for Santa Clara City. It will be stone. The height maximum is 6 ft and the width maximum is 8 ft and has to be 2 ft behind the property line. Staff says it meets the ordinance.
- Sherri Anderson said this will replicate the City's sign but on a smaller scale. It will be made of stone. It will be double sided, so it can be seen coming and going. It will have a tile that says whether they are opened or closed. The pillars will be made of stone. They want to start immediately.
- Herb Basso asked if it is far enough away from the City's sign so it won't be blocked by the City's sign.
- Sherri Anderson said it is clear on the other side.

Motion to Approve the New Sign for Historical Museum.

Motion by Tode Hafen, seconded by Wendell Gubler.

Voting Aye: Jarett Waite, Tode Hafen, Ben Shakespeare, Wendell Gubler and Herb Basso.

Voting Nay: None.

Motion Carried.

3. Consider approval for Ocotillo Springs Phase II Final Plat. Presented by Bob Nicholson, City Planner.

- Corey Bundy said that this request is in the PD Residential zone with the General Plan designation of medium density residential. It is 9.06 acres for the entire project. Phase 2

is 2.41 acres. The applicant is Scott Group LLC with Lance Rigby as the representative and the project engineer is Jared Bates with Rosenberg Associates. The location is the project borders 400 East St. and North Town Road and adjacent to the proposed Hamblin Parkway. Tuscany at Cliff Rose is located to the south and Paradise Village at Zion to the east along with the Jehovah's Witness Kingdom Hall. There are 27 units in Phase 2 in 7 buildings. The plat shows 27 two-story townhome units in 7 buildings in a 2.41-acre phase 2 area. Phase 2 includes 1 six-plex, 1 five-plex, 1 four-plex and 4 three-plexes all with attached two-car garages. The amenity site is within Phase 1 and those amenities are under construction in Phase 1. Exterior material includes tile roof, two tone stucco color with band and pop out features and 3-ft of stone along the front of the units and 2-ft of stone along the side of the units. The project amenities are a clubhouse, a pool and a restroom. These are under construction as part of phase 1. There will also be a volleyball court and two tennis/pickle ball courts, which will be near the northeast corner of the project. An HOA will be formed to maintain the common area and all landscaping within the project interior and along the public street frontage along North Town Road and 400 East. All interior roads will be public and conform to the City's public street standards. The project is bound on all three sides by existing or proposed public streets. The project proposes solid block walls around the perimeter of the project. Units will be against exterior streets and have access to the units from the interior loop road which will have two ingress and egress points one on North Town Road and the other on 400 East. The final plat conforms with the preliminary plat. Staff recommends approval of the final plat for Phase 2 with the conditions that the old sewer easement which is no longer needed to be abandoned, which just happened in the previous motion. Planning Commission recommended approval of the final plat of Ocotillo Springs Phase 2. They didn't have any comments.

- Mayor Rosenberg asked if this conforms to the preliminary plat.
- Corey Bundy said that it does.
- Ben Shakespeare asked about the map and if it showed the future buildings.
- Corey Bundy said that yes it shows the future phases and buildings.

Motion to Approve Ocotillo Springs Phase II Final Plat.

Motion by Ben Shakespeare, seconded by Tode Hafen.

Voting Aye: Herb Basso, Jarett Waite, Ben Shakespeare, Wendell Gubler and Tode Hafen.

Voting Nay: None.

Motion Carried.

4. Consider a Zone Change request from R-1-10 to Commercial on 0.81 acre, located at 2398 and 2398 and 2402 Santa Clara Drive. Karen Bowen, applicant and approve Ordinance 2018-14. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that Karen Bowen is the representative of the Katherine Bowen Family Estate. They live in California. The General Plan shows both commercial and medium density residential. The half that fronts along Santa Clara Drive is shown commercial and a portion that fronts on Arrowhead Trail is shown as medium density residential. This property is just west of the Consignment Store. Combined the property is .81 acres. This came before the Planning Commission twice. The first time was in May of this year. It was a public hearing and there was concern about how the development might occur and what would happen with traffic and how much of it could

come onto Arrowhead Trail. In May the Planning Commission tabled the request and asked the applicants to talk to the family about the idea of a PD Commercial Zone and come back with a site plan. The family said they are not developers and were not prepared to do a site plan. They want to sell the property. The family wanted to resubmit the request for Commercial Zoning. The Planning Commission agrees with the applicants that it is difficult to divide that into two separate uses. The Planning Commission considered this again last month and they recommended approval of the requested rezone as requested by the applicants to Standard Commercial Zone with the recommendation that the City Staff review the future site development plan with consideration of traffic impacts on Arrowhead Trail. When it comes in for development at some point in the future it will have to go through a site plan approval process.

- Wendell Gubler asked how the neighboring property owners feel about the zone change.

- Bob Nicholson said that at the Planning Commission hearing in May there were a number of citizens there and the concerns was the potential traffic. There is not a development plan for the property. Most people accept the idea that the property that fronts Santa Clara Drive will be commercial. The neighbors expressed concern about how much traffic might come onto Arrowhead Trail.

- Matt Ence said he was contacted by a resident, Mr. Phillips, who had commented at the public hearing and is concerned that the City Council be aware that they had presented a petition at that public hearing which was signed by quite a few residents with similar concerns. That petition is of record with that initial Planning Commission meeting. The General Plan actually shows this property with a frontage along Santa Clara Drive as commercial and frontage along Arrowhead Trail as residential. The consensus of the Planning Commission at the first meeting was because of the dimensions of the property that it had to go one way or the other. There is no practical way to split it between the two uses. This is a case where we need to look at the intent of the General Plan and the realities on the ground and we may have to use some of the flexibility that our ordinances give us to interpret it.

- Mayor Rosenberg stated that with the commercial zone it opens it up to a lot of allowable uses. The commercial PD lets the City limit some of those uses and puts a plan with it. He asked if the Planning Commission discussed the allowable uses of the commercial zone.

- Bob Nicholson said he went through that list this afternoon. He said it includes a convenience store with gas pumps and said that two thirds of the uses are some type of a store and then there are professional offices. The list of uses is very limited in terms of the negative potentials.

- Mayor Rosenberg said it would go through a detailed site plan review before anything is built there and they will have to look at traffic and setbacks and parking and landscaping.

- Ross Lapre, 3617 North Town Road, who said he is married to Peggy who is a licensed Real Estate Agent in the State of Utah and the applicants are one of her clients. He said that no one is opposed to producing a plan for a known development. The family is trying to divest their estate and they are not developers. The City has ample opportunity to review any type of site plan that is brought in. The family would like to settle the estate. The property is worth more as a commercial zone than as a residential zone. The family would like to make the most of the estate.

- Ben Shakespeare asked if it was zone commercial, does the family intend to combine that into one parcel or do they intend to sell it.

- Ross Lapre said that both parcels are owned by the same family members and they

adjoin each other. Their idea is to sell it together.

- Tode Hafen wondered about the Commercial PD. It gives a little more say on what happens there. She wanted to know if the family is interested in selling it that way and how it will affect the value of the property. This is an unusual piece because the back of it is truly residential. It makes sense to zone this, so they can use their property to its fullest value. She asked if the City could put a little more layer there so that we can be a little bit particular to what happens there.

- Ross Lapre said the family has been listening to the direction from the City and it seems to be that the objections to changing this zone relies around how the property is going to be used and how much traffic it will produce and how much landscaping will be required. The family does not know this and without a buyer for the property it is unknown at this point. He said that the family believes that the general approach is the best approach because it will say that this is commercial in nature and it will be for general use. Then the purchasers can bring for a workable plan that addresses what the concerns are based on a known fact. Saying there needs to be something more specific at this point limits the ability to market the property and get the most amount in the vestiture of their estate.

- Mayor Rosenberg said that if this was approved as presented, the plan for the property has to conform to the zoning ordinance.

- Ben Shakespeare said the best use of the property is commercial but if it is commercial it is accessed off Santa Clara Drive only. He said there is an obligation to protect what is behind which is a residential community. This needs to be commercial. The access needs to be designed to come off Santa Clara Drive.

- Tode Hafen said she doesn't think the use is an issue it is what will happen along the back.

- Mayor Rosenberg said we could probably limit the access to the front as part of the zone change and that it not be allowed to have access in the rear. He said the uses are what he is concerned about. He is also concerned about the grade. There is quite a bit of slope from Santa Clara Drive to Arrowhead.

- Bob Nicholson said that the Planning Commission shall review and approve all plans prior to the issuance of any building permit for site improvement or construction permit. It is not a public hearing, but it does require Planning Commission review and approval.

- Matt Ence said it is not a use approval it is a plan approval.

- Ross Lapre said the individual components of the use will change with what the proposal is. There is more than one way to design a project. He said concern should be discussed and drainage plans and things like that can be divided into zones.

- Herb Basso said the City can capitalize on this potential for retail opportunity on this frontage. He would like to put a condition on to include retail. Because of this spot and its residential sensitivity, we don't want a commercial zone that allows for heavier impact on the neighborhood. The best use of this place would be accomplished by having a commercial PD to include a tying down of the list encouraging retail. An exit to Arrowhead would be a huge mistake for our community. It would be wise for Council to make a decision tonight that if we are going to look at a zone change that it includes that kind of uses that put conditions on that limits the impact of the neighborhood right behind by having Main street exit only and also perhaps some conditions of the types of commercial activity that would enhance our revenue.

- Mayor Rosenberg said that a commercial PD wouldn't have to require a detailed plan, but the uses could be limited by the City.

- Herb Basso said he is suggesting that as Council maybe we should be obligated to

- create a target so potential buyers would know what they can and cannot do.
- Matt Ence said that there are some conditions that can be set. A condition can be set that when the Staff and the Planning Commission ultimately does the plan review that there should be no access to Arrowhead Trail. That is a legitimate condition that can be set. He said he doesn't think Council can limit the uses that are listed in the Commercial Zone. It would be like creating a special zone just for this property and we would get into trouble trying to do that. Council has to decide on the application before them. There are a lot of things Council can do in terms of conditions on future plans as long as they are reasonable. As far as uses with this application it is all or nothing. That is not a bad thing.
 - Mayor Rosenberg reminded Council that they already have that use next door to this property.
 - Herb Basso asked if there can be a medium density residential in a commercial zone.
 - Bob Nicholson said that in a commercial zone there aren't residential uses.
 - Ben Shakespeare said he doesn't think this should be limited.
 - Mayor Rosenberg said there is a master planned road there from Santa Clara Drive to Arrowhead. There will be a connection in the future.
 - Herb Basso said what we are trying to do to limit this particular request commercial access to the back is a valid point. It will take care of things in the future. The applicant might be interested if we were to favor this request to put a condition on it that it does not ever access Arrowhead.
 - Ben Shakespeare said that this is the best use for this property.
 - Jarett Waite said he was at the Planning Commission for this discussion and the width of Arrowhead is problematic. He likes what the Planning Commission did that there is a condition that if it is a major concern...
 - Tode Hafen said she doesn't have a problem with restricting the access to Arrowhead.
 - Ross Lapre said that rather than the term restricted which means that there will be zero, would it be considered favorable if it was City controlled? There could be a circumstance in the design of the site plan that there be some employee parking in the back off Arrowhead or laundry service for items from the business but not the public coming and going but be somewhat controlled but still be flexible.
 - Herb Basso said he likes the idea of eliminating the access to and from Arrowhead. He doesn't like the word restrict he likes the word eliminate.
 - Ben Shakespeare said that with the natural slope of the lot if there is going to be a loading ramp or anything like that you are going to want to access that off Arrowhead.
 - Mayor Rosenberg asked if it can be made to limit access during the site plan review.
 - Matt Ence said he thinks you can but there is no guarantee that would happen. You can do that now. Council would be directing Staff that when they review it that is a condition of the review.
 - Ben Shakespeare said he doesn't think access is an issue at all for potential buyers. He thinks this gives the best use of the land.
 - Matt Ence asked Mayor about the drainage.
 - Mayor Rosenberg said that drainage can be drained out to Arrowhead because there is a storm drain. Utilities can work. In order to prevent access there is going to have to be a wall. There will have to be a privacy wall along the back.
 - Roy Phillips, 2401 Arrowhead Trail, said a couple of things concern him. He is concerned that there isn't a plan and we are being asked to make a decision without knowing what it is going to look like in the end. We have very limited land along the

boulevard and we need to protect that and make sure it is going to benefit our City and its citizens and under a regular zoning we wouldn't be able to do that. He said a petition has been signed against the property making it a commercial zone by 100% of the residents on that block and the concern is that it not be made commercial and only one of the concerns was about the property having access off it. The concerns were what was going to go in there, how to protect our community, how to protect our neighborhood. The concern is that it is not on our Master Plan to make that a commercial property. Part of it is residential and part of it is commercial. This needs to be changed in the Master Plan first. He said we need to consider the fact that this is not on our Master Plan, that whole lot as a commercial zone.

- Matt Ence said we looked closely at State law and the City's ordinances with respect to what the City Council and the Planning Commission's power was with respect to the Master Plan and determined that where there is an issue with the way the Master Plan designates this property we can't follow the Master Plan because those parcels have two zoning designations on them in the Master Plan so our ordinances do give the Planning Commission and the City Council some flexibility to address issues like that as they come up. He said in his opinion this is one of those situations where the City Council can step out and decide how to apply the guidance that is set forth in the General Plan. One option would be to go back and amend the General Plan change to fix these parcels so that they only have a single designation on them, but he doesn't think that is required.

- Ross Lapre said no one is trying to do something other than what the City would like. Without knowing all the particulars, it becomes very difficult to design around something or to make provisions for when you don't even know what it is. The general approach gives the City ample opportunity to review. He said his wife, Peggy, has not received any conditions for purchase from anyone. They are waiting for direction on how this property is to be marketed.

Motion to Approve a Zone Change request from R-1-10 to Commercial on 0.81 acre, located at 2398 and 2398 and 2402 Santa Clara Drive with a proposal to restrict access to Arrowhead Trail and make sure all access is through Santa Clara Drive. Karen Bowen, applicant and approve Ordinance 2018-14.

Motion by Ben Shakespeare, seconded by Tode Hafen.

- Tode Hafen asked if anything else has to be clarified concerning the uses.

- Mayor Rosenberg said that if the zone is approved the uses in the ordinance are allowed in the property. The site plan will come back through a Planning Commission review. It has to meet the requirements of the ordinance.

- Matt Ence said that if this zone change is approved we are assuming that it is going to go through the process set forth in the ordinance. He said that for clarification, so it is 100% clear the motion is that there will be no vehicular access to or from Arrowhead Trail but nothing concerning drainage or utilities or anything like that is implied by that.

- Ben Shakespeare said all that can be addressed. Because it connects to Arrowhead Trail he thinks in a plan they can still make that connection.

- Mayor Rosenberg said that in the City's infrastructure a lot of that is in Arrowhead Trail.

- Herb Basso said as clarification we are eliminating vehicle access to Arrowhead Trail. Would we consider a sidewalk or pedestrian access or are we saying both?

- Ben Shakespeare said it is vehicular access.

Motion to Approve a Zone Change request from R-1-10 to Commercial on 0.81 acre, located at 2398 and 2402 Santa Clara Drive with a proposal to restrict vehicular access to Arrowhead Trail and make sure all access is through Santa Clara Drive. Karen Bowen, applicant and approve Ordinance 2018-14.

Motion by Ben Shakespeare, seconded by Tode Hafen.

Voting Aye: Tode Hafen, Wendell Gubler, Ben Shakespeare and Jarett Waite.

Voting Nay: Herb Basso.

Motion Carried.

5. Consider approval of an Amendment to Bella Sol Subdivision with 7 Phases and 2 additional lots located on the east side of Rachel Drive and north of North Town Road.

- Bob Nicholson stated that this is an amended preliminary plat. The zoning is R-1-10 RA so that is the mixed lot size zoning. The applicant is Robert Smith and the project engineer is Rob Reid. There are 19 lots in Phase 7. That is the area that is being amended. Previously this subdivision had 5 phases, but it is now going to 7 phases. The main change on this is that the top upper cul-de-sac in Phase 7 has been extended to the east and as part of the Tuacahn Wash realignment it provides a little more property to this Bella Sol area and they have added two more lots on that street at that cul-de-sac point. That is the extent of the changes to this plat. The Planning Commission recommends approval. It meets the requirements of the ordinance.

- Jarett Waite asked if the approval was on condition of the LOMAR being approved.

- Bob Nicholson said the Planning Commission recommends approval of the amended preliminary plat for Bella Sol Phase 7 with the condition that the LOMAR map revision be approved by FEMA prior to recording the final plat. This is preliminary it will go back through the process of Planning Commission and City Council with the final plat. The letter has been submitted to FEMA, but they haven't received a response and prior to recording the plat they would have to get that letter from FEMA approving it.

- Mayor Rosenberg said they've gone through the review and FEMA is satisfied with the hydrology and the hydraulics and that could happen any day now is the last word we are getting from FEMA.

- Ben Shakespeare asked where we are at on the phases. Which phases are recorded? He said his purpose for the question comes into the development we just approved agreed to do single-level homes to protect the view of the lots that didn't think they were going to have their view obstructed and now we are adding lots into Phase 7. Are we going to run into that same issue with people that thought that was going to open ground and now it's several more lots there?

- Mayor Rosenberg asked Bob Nicholson if there were concerns presented at the Planning Commission relative to that.

- Bob Nicholson said he doesn't think so. He doesn't recall any.

- Matt Ence said that one difference is up in this phase is that the property line goes all the way to the intended location of the wash as is proposed in the LOMAR which means there won't be homes adjacent to these new lots.

- Ben Shakespeare said he is concerned about those lots to the south, the new Phase 5 lots.

- Bob Nicholson said that if you look on the approved original preliminary plat it does call it out on those lots as future.

- Ed Dickie said that Robert knew there was going to be the LOMAR and he was waiting for that to be completed to go ahead and do this, so he was always planning on doing this.
- Mayor Rosenberg said that the wash was redirected in 2006 and the process started. There was a CLOMAR map revision that was done at that point in time and the grading permit and the flood plain development permit and the environmental permits were issued for it. At that point in time as far as the City Administration is concerned the new wash is what we administered to. The wash physically moved so it would be inappropriate for the City to administer the flood plain that had already been approved to be moved and the work had been done and so that is the line that Corey has to administer is the new one. The LOMAR is just a verification step. The delay in the LOMAR has been relative to the changes that Ivins City made in the retention basins above the City and we had to wait until FEMA accepted that information to process this because those two actions were processed together.
- Corey Bundy said that this subdivision does limit the height to one-story.
- Pat Zandi, 2800 Bella Sol, said that when they bought the property in 2016 it was lot 510 and so Phase 7 is partially obstructing their view lot. She said that when they received notice of this they were told that two more lots were being added. She wanted to know if that would impact her. She said they paid the premium price for their lot because it is a view lot and already Phase 7 is partly obscuring their view. She showed a picture of their backyard. She would like to have some reassurance that they are not building behind her.
- Mayor Rosenberg said that the City approves the subdivision. Lot 710 will be a legal lot and they will be able to build on that lot subject to the requirements of the ordinance and so there will be some rear yard setbacks that would locate the home building area within the lot. It is funny shaped lot and typically they'll move it up into the back part of the lot but there is not a requirement. Lot 710 is behind her lot.
- Pat Zandi said they did have a discussion with Robert Smith about this obscuring their view and they asked for a refund because it wasn't a view lot anymore and he declined that. Earlier in the year they asked to buy that little tailpiece of property behind them, but they never came to an agreement. They are still interested in buying that little piece. He would not sell their little piece he wants them to buy the whole tail of it behind other people's lots. She wanted to know if they are going to fill that in.
- Ben Shakespeare said that if the road comes in at that elevation they'll probably grade that out like the rest of the lots in there.
- Mayor Rosenberg said they could drop it down and being graded back down. We don't know as far as the City goes.
- Bella Sol Representative, said that a couple of years ago the mass grading for Phases 6 & 7 was approved and they hired a contractor to do the mass grading for both of those phases at the same time. His understanding is that they have rough grade pads out there now. So, what is out there now is probably not going to significantly change. There will be some fine-tuning because it is a rough grade. He said he doesn't think they have the intent of bringing any more dirt in other than fine-tuning.
- Mayor Rosenberg said that the qualifier there is that any lot owner in town can adjust the grades after the lots platted and build additional walls as long as he conforms with the ordinances. He said the best bet is to work out some type of restriction or some type of an agreement with Robert Smith because he could put a covenant on that he could add a note on the final plat.
- Pat Zandi talked about the prices of the lots and that they paid a premium price for their

lot. Is there something that Council does to hold their developers to have some integrity to what they sell? To sell a view lot and then not have a view anymore?

- Mayor Rosenberg said that is probably a civil issue.

- Matt Ence said that nothing in the City Ordinances define what a view lot is. There is nothing in our ordinances that protect view corridors. There is nothing that protects air space. Any time a lot is sold in Santa Clara where those representations are made, that is between the seller and the buyer.

- Ben Shakespeare said he doesn't believe those lots are priced exclusively for the view lots. He mentioned lots 507 & 508 and that they back to homes behind them. Both have residences that are going to be constructed behind them but 507 is \$60,000 less than 508. He said it is because it is a lot larger lot. He said it has to do with the lot size. He said he would visit with the developer if it was him.

Motion to approve an Amendment to Bella Sol Subdivision with 7 Phases and 2 additional lots located on the east side of Rachel Drive and north of North Town Road.

Motion by Ben Shakespeare, seconded by Tode Hafen.

Voting Aye: Tode Hafen, Jarett Waite, Herb Basso and Ben Shakespeare.

Voting Nay: Wendell Gubler.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- Attended the Flood Control meeting. There is upcoming sediment removal and vegetation in the Santa Clara River at Gates Lane all the way to Swiss Village. We are waiting approval and there has been money allotted to do that through the Flood Control. They have also approved the purchase of the property through there, so we will see a great benefit for that.

- Mayor Rosenberg said that it will be a more defined channel and that will limit some of the vegetation. The permit review period closes on Monday, so we are hoping to have a permit around the first of December. As soon as the permit is in place we will probably start the reimbursement agreement with Flood Control Authority, which will happen, in early January. The Flood Control Authority is going to pay about \$75,000 toward that project. We are hoping to see some construction started before the first of the year. If this works well, we will probably see it continue down the Santa Clara River through St. George and that will decrease the flood risk downstream.

- Ben Shakespeare said he has learned that it is imperative that the City get easements in these. Without easements we can't go into the properties.

- Mayor Rosenberg said that Santa Clara has been proactive since 2005 at getting the river corridors, those easements. With the donation from the Graf property and the purchase from Ferron Leavitt we have it continuous now. There are just a couple of gaps and we will keep working on them.

- Corey Bundy asked that when the bid goes out if they can get a log of what goes on each day on the open channels so that they can use it.

Tode Hafen:

- The Swiss Days Volunteer Banquet took place last night.
- They have been working with the volume and direction of the speakers on the Glockenspiel. Some of the residents are complaining a little bit. There is someone coming to do an evaluation on the speakers to see if we can direct them differently, so we can do the best we can to mitigate the consequences. She is committed to decorate it for other holidays. She is working on Valentines costumes for the Glockenspiel and some music. She asked Council if they approve of her doing more costumes.
- She asked about online tax. If a person puts in their zip code when they order online does that come to Santa Clara?
- Ed Dickie said that Brock would know how that works.

Jarett Waite:

- Went to the CEC meeting yesterday. Mayor Neilson stayed on as Chair. They are on track to pay off the debt by the end of next year. The station is going HD by year-end. There will be some sort of an event to publicize this.
- He talked about BMX and at this point Santa Clara BMX is going to apply to BMX USA to be sanctioned and that is when the plans will start forming and they will come back to Council. In the meantime, they are looking for dirt. Last he heard it was 10,000 yards.
- Mayor Rosenberg asked Jarett to find out how much dirt and let him know. He said we can find some dirt.
- Jarett Waite said they want to be racing by next spring.
- Jarett said a resident told him he is concerned about some code violations near his home. Who should he talk to? He has already talked to code enforcement officers and nothing is changing.
- Corey Bundy said to get with him concerning that matter.

Herb Basso:

- He had a request for a dog clean up station. The City doesn't have any. There might be a situation where there will be more requests for that to keep the park clean.
- The EDC is working on a brochure update. They have some ideas and some graphics.

Wendell Gubler:

- Attended the Solid Waste Meeting. There are still some problems with recycling. Our contract is for 2 years. Rocky Mountain recycling wants the district to pay extra money so that they can make ends meet. They have agreed to do that at this point. But the district is talking about not doing that in the future. Rocky Mountain is supposed to come through with a bond and they haven't done that yet. They have looked at two possible ways of handling the recyclables and one is in Germany and the other is in Tennessee and they both have a similar process.

Mayor Rosenberg:

- The Mayor's Association had a two-hour discussion on the regulations on septic tanks.
- Matt Ence is going to send out an email on the report of the litigations and where they stand, and Mayor will forward those on to Council.

7. Approval of Claims and Minutes:

- Oct. 24, 2018 City Council Meeting Minutes
- Nov. 7, 2018 City Council Work Meeting Minutes
- Claims through Nov. 14, 2018

Motion to Approve the Regular City Council Meeting Minutes from Oct. 24, 2018, Work Meeting Minutes from Nov. 7, 2018 and claims through Nov. 14, 2018.

Motion by Tode Hafen, seconded by Ben Shakespeare.

Voting Aye: Herb Basso, Wendell Gubler, Ben Shakespeare, Jarett Waite and Tode Hafen.

Voting nay: None

Motion Carried.

8. Calendar of Events

- Nov. 22, 2018 Thanksgiving Day (Offices Closed)
- Nov. 23, 2018 Day after Thanksgiving (Offices Closed)
- Nov. 28, 2018 City Council Regular Meeting

9. Executive Session: None.

10. Adjournment:

Motion to adjourn by Herb Basso.

Seconded by Tode Hafen with all members present voting aye.

Meeting Adjourned at 7:26 p.m.

Chris Shelley – City Recorder

Date Approved: _____